

under Antidumping Proceeding at: Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482-4737.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order or finding or terminate a suspended investigation, pursuant to 19 CFR 353.25(d)(4)(iii), if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months. Therefore, pursuant to § 353.25(d)(4)(i) of the Department's regulations, on March 31, 1995, we published in the **Federal Register** a notice of intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations and served written notice of the intent to each domestic interested party on the Department's service list in each case. Within the specified time frame, we received objections from domestic interested parties to our intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations. Therefore, because domestic interested parties objected to our intent to revoke or terminate, we no longer intend to revoke these antidumping duty orders and findings or to terminate the suspended investigations.

Antidumping Proceeding

A-122-085

Canada

Sugar and Syrups

Objection Date: April 5, 1995; April 21, 1995

Objector: American Sugar Cane League et. al.

A-484-801

Greece

Electrolytic Manganese Dioxide

Objection Date: April 13, 1995; April 20, 1995

Objector: Kerr-McGee Chemical Corp., Chemetals Inc.

A-588-401

Japan

Calcium Hypochlorite

Objection Date: April 27, 1995

Objector: Olin Corporation

A-779-602

Kenya

Standard Carnations

Objection Date: April 24, 1995

Objector: Floral Trade Council

Dated: May 26, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95-13823 Filed 6-5-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-570-838]

Notice of Preliminary Critical Circumstances Determination: Honey From the People's Republic of China (PRC)

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

EFFECTIVE DATE: June 6, 1995.

FOR FURTHER INFORMATION CONTACT:

Karla Whalen or David J. Goldberger, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 482-6309 and (202) 482-4136, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Preliminary Critical Circumstances Determination

The Department of Commerce (the Department) published its preliminary determination of sales at less-than-fair-value in this investigation on March 20, 1995 (60 FR 14725). On April 27, 1995, petitioners in this investigation alleged that critical circumstances exist with respect to imports of honey from the PRC. In accordance with 19 CFR 353.16(b)(2)(ii), since this allegation was filed later than 20 days before the scheduled date of the preliminary determination, we must issue our preliminary critical circumstances determination not later than 30 days after the allegation was filed.

Section 733(e)(1) of the Tariff Act of 1930, as amended, provides that the Department will determine that there is a reasonable basis to believe or suspect that critical circumstances exist if:

- (A) (i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or
- (ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

(B) There have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

Imputed Knowledge of Dumping

To determine whether the persons by whom or for whose account the merchandise was imported knew, or should have known, that the exporter was selling the merchandise which is the subject of the investigation at less-than-fair-value, the Department's practice is to impute knowledge of dumping when the estimated margins are of such a magnitude that the importer should have reasonably known that dumping exists with regard to the subject merchandise. Normally we consider estimated margins of 25 percent or greater on sales to unrelated parties and margins of 15 percent or greater on sales through related parties to be sufficient to impute such knowledge. (See, e.g., *Final Determination of Sales at Less Than Fair Value: Silicon Metal from China* (56 FR 18570, April 23, 1991) and *Final Determination of Sales at Less Than Fair Value: Extruded Rubber Thread from Malaysia* (57 FR 38465, August 25, 1992). In this investigation, we found preliminary dumping margins ranging between 127.52 and 157.16 percent. Accordingly, we find that the importers either knew, or should have known, that the imports of honey were being sold at less-than-fair-value.

Because we determine that importers of this merchandise knew, or should have known, that the merchandise was being sold at less-than-fair-value, we do not need to address the question of whether there is a history of dumping of the subject merchandise.

Massive Imports

Under 19 CFR 353.16(f) and 353.16(g), we normally consider the following to determine whether imports have been massive over a relatively short period of time: 1) volume and value of the imports; 2) seasonal trends; and 3) the share of domestic consumption accounted for by the imports.

When examining volume and value data, the Department normally compares the export volume for equal periods immediately preceding and following the filing of the petition (the "pre-filing period" and the "post-filing period"). Under 19 CFR 353.16(f)(2), unless the imports in the post-filing period have increased by at least 15 percent over the imports during the pre-filing period, we will not consider the imports to have been "massive."

Because a determination of critical circumstances should be based on

company-specific shipment information (See, e.g., *Final Determination of Sales at Less-Than-Fair-Value: Certain Hot Rolled Carbon Steel Flat Products, Certain Cold Rolled Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate from Belgium*, 58 FR 37083 (July 9, 1993)), we requested shipment information from the four companies for which we calculated preliminary margins (See, *Preliminary Determination of Sales at Less-Than-Fair-Value: Honey From the People's Republic of China* (60 FR 14725, March 20, 1995)). These four companies, (1) Kunshan Xinlong Foods, Ltd. (Xinlong); (2) Jiangsu Native Produce Import and Export (Jiangsu); (3) Jiangxi Native Produce Import and Export (Jiangxi); and (4) Zhejiang Native Produce & Animal By-product Import and Export (Zhejiang), provided shipment information for the period from January, 1993 through April 1995. Pursuant to 19 CFR 353.16(g), in making a critical circumstances determination, the Department normally considers the period beginning on the first day of the month of the initiation and ending at least three months later. The Department considers this period because it is the period immediately prior to a preliminary determination in which exporters of the subject merchandise could take advantage of the knowledge of the dumping investigation to increase exports to the United States without being subject to antidumping duties (see, e.g., *Final Determination of Sales at Less Than Fair Value of Certain Internal-Combustion, Industrial Forklift Trucks from Japan* (53 FR 12552, April 15, 1988)). For purposes of this preliminary determination of critical circumstances, we are using as our comparison period five months prior to and five months subsequent to the filing of the petition in this investigation. As the petition was filed in the first half of October 1994, per Department practice, this month is considered to be part of the "post-petition" period. Thus, the Department analyzed the company specific shipment information for the pre-petition period, May 1994 through September 1994, and the post-petition period, October 1994 through February 1995.

The data we received indicates that Xinlong, Jiangxi, and Zhejiang's shipment of honey to the U.S. decreased over the relevant time period and the increase in Jiangsu's shipments exceeded 15 percent.

Other Factors

Our analysis pursuant to 19 CFR 353.16(f)(1)(ii) indicated that seasonal

trends were not a significant factor explaining the increase in Jiangsu's shipments. We were unable to consider the share of U.S. consumption represented by imports from Jiangsu, pursuant to 353.16(f)(1)(iii), because we have insufficient information with regard to Jiangsu's specific market share of domestic consumption.

Jiangsu argues that the increase in its shipments during the post-petition period was a result of the new Chinese export quota system which became effective in April 1994. Specifically, Jiangsu claims that it was forced to ship the remainder of its honey quota by year-end 1994, or it would forfeit the right to export its unused quota. As a result of these circumstances, Jiangsu's shipments worldwide increased in November and December 1994. Jiangsu argues that because its shipments increased in the post-petition period for reasons other than an intent to import large amounts prior to suspension of liquidation, the Department should find that these do not constitute "massive" imports for purposes of critical circumstances. We believe the evidence on the record is insufficient to support the legal and factual bases for this argument, but may reconsider this argument based on verification findings.

Conclusion

We find that critical circumstances do not exist for Xinlong, Jiangxi, and Zhejiang because they did not have massive imports over a relatively short period of time. For Jiangsu, we find that critical circumstances do exist due to: (1) Imputed knowledge of dumping; and (2) Massive imports as evidenced by a significant increase in shipments between the pre- and post-petition comparison period. For the exporters whose responses were not analyzed,¹ we

¹ Heilongjiang Native Produce and Animal By-product Import and Export
Inner Mongolia Native Produce and Animal By-product

Chang Cheng Industrial Co. Ltd.
Shaanxi Native Produce Import and Export
Kunshan Foreign Trade Co.
China (TUHSU) Super Food Import and Export
Hubei Native Produce Import and Export
Tianjin Native Produce Import and Export
Chanting Native Produce Import and Export
Qinghai Cereals and Oils Import and Export
Shanghai Native Produce Import and Export
Guangxi Cereals, Oils and Foodstuffs Import and Export Corporation
Sichuan Native Produce Import and Export
China (TUHSU) Flavors and Fragrances Import and Export
Shandong Cereals and Oils Import and Export
Ningbo Native Produce Import and Export
Anhui Cereals & Oils Import and Export
Jiangsu Sweet Foods, Ltd.
Hebei Native Produce Import and Export

find that critical circumstances do not exist for the following reason. Due to the large number of responding companies in this case, the Department selected only four exporting companies and their respective producers to analyze in the investigation. The Department does not believe it is appropriate to penalize respondents whose individual data have not been analyzed due to the Department's own administrative constraints. Furthermore, based on an aggregate analysis of the four respondents from which we requested shipment data, we conclude that the increase in shipment data for the pre- and post-petition comparison periods is not larger than 15 percent. For all PRC companies which did not respond to the Department's questionnaire, we have made the determination, as BIA, that "massive" imports exist, and we therefore find that critical circumstances do exist for all PRC firms not otherwise named in this notice.

Final Critical Circumstances Determination

We will make a final determination and address any comments concerning critical circumstances when we make our final determination in this investigation by August 2, 1995.

Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, we are directing the Customs Service to suspend liquidation of all entries of honey from Jiangsu Native Produce Import and Export of the PRC and all other PRC companies not specifically named above that are entered, or withdrawn from warehouse, for consumption on or after December 20, 1994 (i.e., 90 days prior to the date of publication of our preliminary determination in the **Federal Register**). The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Average margin percentage
Jiangsu Native Produce Import and Export	127.52
Kunshan Xinlong Food, Ltd	*146.37

Anhui Medicines and Health Produce Import and Export

Xian Native Produce and Animal By-product Import and Export
Liaoning Native Produce Import and Export

Liaoning Native Produce Import and Export
Anhui Native Produce Import and Export
Henan Native Produce Import and Export

Producer/manufacture/exporter	Average margin percentage
Jiangxi Native Produce Import and Export	*131.86
Zhejiang Native Produce & Animal By-product Import and Export	*131.86
All PRC	157.16

The asterisk indicates the rate for continuing the suspension of liquidation for those exporters found preliminarily to have negative critical circumstances.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination.

Public Comment

Since this preliminary critical circumstances determination is being made after the due date for public comment on our preliminary determination of sales at less than fair value in this case, we will accept written comments on this preliminary determination of critical circumstances until the date in which case briefs are to be filed.

This determination is published pursuant to section 733(f) of the Act.

Dated: May 30, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-13822 Filed 6-5-95; 8:45 am]

BILLING CODE 3510-DS-P

North Carolina State University; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

DECISION: Denied. Applicant has failed to establish that domestic instruments of equivalent scientific value to the foreign instrument for the intended purposes are not available.

REASONS: Section 301.5(e)(4) of the regulations requires the denial of applications that have been denied without prejudice to resubmission if they are not resubmitted within the specified time period. This is the case for the following docket.

Docket Number: 94-103. **Applicant:** North Carolina State University, Campus Box 7212, Raleigh, NC 27695-7212. **Instrument:** Digital Oxygen

Electrode. **Manufacturer:** Rank Brothers Ltd., United Kingdom. **Date of Denial without Prejudice to Resubmission:** March 8, 1995.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 95-13820 Filed 6-5-95; 8:45 am]

BILLING CODE 3510-DS-F

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 95-030. **Applicant:** University of Pennsylvania, Smell and Taste Center, 3400 Spruce Street, Philadelphia, PA 19104. **Instrument:** Olfactometer, Transformation Unit and Compressor-Vacuum-Unit, Model OM/4. **Manufacturer:** Heinrich Burghart, Germany. **Intended Use:** The instrument will be used to provide accurate and pulsed computer-controlled presentations of an odorant stimulus to the nares of a human being to allow for the recording of electrical brain waves in response to these presentations. The objectives will be achieved through psychophysical measurement, electrophysiological measurement, and computer-controlled generation of very accurate and timed pulses of odorants for evoked potential. The instrument will also be used for educational purposes in the course Interdisciplinary 200 (ID 200). **Application Accepted by Commissioner of Customs:** April 10, 1995.

Docket Number: 95-032. **Applicant:** University of Wisconsin, 1300 University Ave., Madison, WI 53706. **Instrument:** Electron Microscope, Model CM120. **Manufacturer:** Philips, The Netherlands. **Intended Use:** The instrument will be used for experiments related to studying biological

phenomena at the ultrastructural level at common electron microscope magnifications. In addition, the instrument will be used in the course Anatomy 660: Introduction to Electron Microscopy to teach faculty, staff and students to operate the microscope to image the specimens prepared to achieve the research goals. **Application Accepted by Commissioner of Customs:** April 10, 1995.

Docket Number: 95-033. **Applicant:** University of South Carolina, Department of Geological Sciences, Columbia, SC 29208. **Instrument:** Mass Spectrometer, Model Optima. **Manufacturer:** Fisons Instruments, United Kingdom. **Intended Use:** The instrument will be used to study the carbon and oxygen isotopic composition of samples of calcite and aragonite, the carbon and nitrogen isotopic composition of marine organic matter, and the carbon isotopic composition of carbon dioxide dissolved in water. The particular focus of the analysis will be on the carbonate shells of foraminifera from small samples of marine and lacustrine sediments and on carbon isotopes from both seawater and freshwater samples. In addition, the instrument will be used for educational purposes in the course Geology 715, Stable Isotope Geochemistry to introduce graduate students to different applications of stable geochemistry in the research environment. **Application Accepted by Commissioner of Customs:** April 13, 1995.

Docket Number: 95-034. **Applicant:** Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, IL 60439. **Instrument:** Electron Microscope, Model H-9000NAR. **Manufacturer:** Hitachi, Japan. **Intended Use:** The instrument will be used for studies of pure metals, metallic alloys, semiconductors, and minerals and other ceramics in order to understand the physical origin and rules for occurrence of the phenomena under study. **Application Accepted by Commissioner of Customs:** April 13, 1995.

Docket Number: 95-035. **Applicant:** University of Texas Medical Branch, 301 University Blvd., Galveston, TX 77555. **Instrument:** Electron Microscope, Model CM100. **Manufacturer:** Philips, The Netherlands. **Intended Use:** The instrument will be used by the faculty and staff for a variety of ongoing scientific research activities as listed below:
(a) Analysis of Spotted Fever Rickettsial Antigens,
(b) Mechanisms of Toxic Injury in Vascular Tissue,
(c) Transplacental Transfer of Asbestos in Humans,